

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
Plaintiff

10-CR-460 (SJ)

– against –

MARIYA GOMELSKAYA,

Defendant.

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MARIYA GOMELSKAYA,  
Petitioner,

– against –

14-MC-1170 (SJ)

UNITED STATES OF AMERICA,

Respondent.

-----X  
A P P E A R A N C E S

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JOHNSON, Senior District Judge:

On May 24, 2011, Mariya Gomelskaya (“Gomelskaya”) pled guilty to one count of health care fraud before this Court. She served a sentence of one month imprisonment, followed by three years supervised release, and has satisfied her restitution payments in full. Following her release she worked at Frank Patruno Law Offices, until she voluntarily quit due to her perceived lack of opportunities for career growth. On September 23, 2014, she filed with this Court a motion seeking to expunge her criminal conviction, claiming that her conviction made it difficult for her to find alternative (and presumably, more promising) employment. (See Dkt. No. 1.) The Court denied her motion on August 18, 2015. (See Dkt. No. 6.) Pending before the Court is Gomelskaya’s March 20, 2018 motion to expunge her record of conviction, which the government opposes. For the reasons below, the motion is DENIED.

#### DISCUSSION

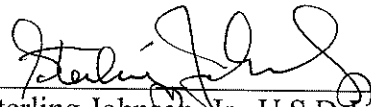
Gomelskaya’s March 20, 2018 motion is largely identical to the motion that the Court denied, except that she references § 160.59 of the New York Criminal Procedure Law, which allows for the sealing of state criminal convictions that are at least ten years old. See N.Y. Crim. Proc. Law § 160.59 (McKinney 2017). Gomelskaya’s conviction is federal, and less than ten years old. Regrettably, there has been no change in relevant facts or legal authority since her first motion, so the pending motion must be dismissed. See United States v. Carr, 557 F.3d 93, 102

(2d Cir. 2009) (finding that a court should generally follow prior decisions); see also Doe v. United States, 833 F.3d 192, 198 (2d Cir. 2016) (finding that a court may not expunge a criminal record on equitable grounds alone).

CONCLUSION

For the foregoing reasons, the motion is denied. The Clerk of the Court is directed to close the case styled Gomelskaya v. United States, No. 14 MC 1170.

Dated: July 21, 2018  
Brooklyn, NY

  
Sterling Johnson, Jr., U.S.D.J.